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Mr. Clay on Texas.

RALEIGH, April 17, 1844.

Gentlemen.—Subsequently to my departure from Ashland, in December last, I received various communications from popular assemblages and private individuals, requesting an expression of my opinion upon the question of the annexation of Texas to the United States. I have borne to reply to them, because it was not very convenient, during the progress of my journey, to do so, and for other reasons. I did not think it proper, unnecessarily, to introduce at present a new element among the other exciting subjects which agitate and engross the public mind. The rejection of the overture of Texas, some years ago, to become annexed to the U. S., had met with general acquiescence. Nothing had since occurred materially to vary the question. I had seen no evidence of a desire being entertained, on the part of any considerable portion of the American people, that Texas should become an integral part of the United States. During my sojourn in New Orleans, I had, indeed, been greatly surprised, by information which I received from Texas, that, in the course of last fall, a voluntary overture had proceeded from the Executive of the United States to the Authorities of Texas to conclude a Treaty of Annexation; and that, in order to overcome the repugnance felt by any of them to a negotiation upon the subject, strong, and, as I believed, erroneous representations had been made to them of a state of opinion in the Senate of the United States favorable to the ratification of such a treaty. According to these representations, it had been ascertained that a number of Senators, varying from thirty-five to forty-two, were ready to sanction such a treaty. I was aware, too, that holders of Texas lands and Texan scrip, and speculators in them, were actively engaged in promoting the object of annexation. Still, I did not believe that any Executive of the United States would venture upon so grave and momentous a proceeding, not only without any general manifestation of public opinion in favor of it, but in direct opposition to strong and decided expressions of public disapprobation. But it appears that I was mistaken. To the astonishment of the whole nation, we are now informed that a treaty of annexation has been actually concluded, and is to be submitted to the Senate for its consideration. The motives for my silence, therefore no longer remain, and I feel it to be my duty to present an exposition of my views and opinions upon the question, for what they may be worth, to the public consideration. I adopt this method as being more convenient than several replies to the respective communications which I have received.

I regret that I have not the advantage of a view of the treaty itself, so as to enable me to adopt an expression of my opinion to the actual conditions and stipulations which it contains. Not possessing that opportunity, I am constrained to treat the question according to what I presume to be the terms of the treaty. If, without the loss of national character, without the hazard of foreign war, with the general concurrence of the nation, without any danger to the integrity of the Union, and without giving an unreasonable price for Texas, the question of annexation were presented, it would appear in quite a different light from that in which, I apprehend, it is now to be regarded.

The United States acquired a title to Texas, extending, as I believe, to the Rio del Norte, by the treaty of Louisiana. They ceded and relinquished that title to Spain by the treaty of 1810, by which the Sabine was substituted for the Rio del Norte as our western boundary. This treaty was negotiated under the Administration of Mr. Monroe, and with the concurrence of his Cabinet, of which Messrs. Crawford, Calhoun, and Wirt, being a majority, all Southern gentlemen, composed a part. When the treaty was laid before the House of Representatives, being a member of that body, I expressed the opinion, which then entertained, and still hold, that Texas was sacrificed to the acquisition of Florida. We wanted Florida; but I thought it must, from its position, inevitably fall into our possession; that the point of a few years, sooner or later, was of no sort of consequence, and that in giving five millions of dollars and Texas for it, we gave more than a just equivalent. But, if we made great sacrifices in the surrender of Texas, we ought to take care not to make too great a sacrifice in the attempt to re-acquire it.

My opinions of the inexpediency of the treaty of 1810 did not prevail. The country and Congress were satisfied with it, appropriations were made to carry it into effect, the line of the Sabine was recognised by us as our boundary, in negotiations both with Spain and Mexico, after Mexico became independent, and measures have been taken to prevent the further propagation of slavery from the United States, what would be the effect of such allegations upon the judgment of an impartial and enlightened world?

It is, therefore, perfectly idle and ridiculous, if not dishonorable, to talk of resuming our title to Texas, as if we had never parted with it. We can no more do that than Spain can resume Florida, France Louisiana, or Great Britain the thirteen colonies, now composing a part of the United States.

During the administration of Mr. Adams, Mr. Poinsett, Minister of the United States at Mexico, was instructed by me, with the President's authority, to propose a re-purchase of Texas, but he forebore even to make an overture for that purpose. Upon his return to the United States, he informed me, at New Orleans, that his reason for making it was, that he knew the purchase was wholly impracticable, and that he was persuaded that, if he made the overture, it would have no other effect than to aggravate irritations, already existing, upon matters of difference between the two countries.

The events which have since transpired in Texas are well known. She revolted against the Government of Mexico, flew to arms, and finally fought and won the memorable battle of San Jacinto, annihilating a Mexican army and making a captive of the Mexican President. The signal success of that Revolution was greatly aided, if not wholly achieved, by citizens of the United States who had migrated to Texas. These success, if they could not always be prevented by the Government of the United States, were furnished in a manner and to an extent which brought upon us some national reproach in the eyes of an impartial world. And, in my opinion, they impose on us the obligation of scrupulously avoiding the imputation of having instigated and aided the Revolution with the ultimate view of territorial aggrandizement. After the battle of San Jacinto, the United States recognised the independence of Texas, in conformity with the principle and practice which have always prevailed in their councils of recognising the Government "de facto," without regarding the question *de jure*.—That recognition did not affect or impair the rights of Mexico, or change the relations which existed between her and Texas. She, on the contrary, has preserved all her rights, and has continued to assert, and so far as I know yet asserts, her right to reduce Texas to obedience, as a part of the Republic of Mexico. According to late intelligence, it is probable that she has agreed upon a temporary suspension of hostilities; but, if that has been done, I presume it is with the purpose, upon the termination of the armistice, of renewing the war and enforcing her rights, as she considers them.

This narrative shows the present actual condition of Texas, so far as I have information about it. If it be correct, Mexico has not abandoned, but persists in the assertion of her rights by actual force of arms, which, if suspended, are intended to be renewed. Under these circumstances, if the Government of the United States were to acquire Texas, it would acquire along with it all the incumbrances which Texas is under, and among them the actual or suspended war between Mexico and Texas. Of that consequence there cannot be a doubt. Annexation and war with Mexico are identical. Now, for one, I certainly am not willing to involve this country in a foreign war for the object of acquiring Texas. I know there are those who regard such a war with indifference and as a trifling affair, on account of the weakness of Mexico, and her inability to inflict serious injury upon this country. But I do not look upon it thus lightly. I regard all wars as great calamities, to be avoided, if possible, and honorable peace as the wisest and truest policy of this country. What the United States most need, are union, peace, and patience. Nor do I think that the weakness of a Power should form a motive, in any case, for inducing us to engage in or to depreciate the evils of war. Honor and good faith and justice are equally due from this country towards the weak as towards the strong. And, if an act of injustice were to be perpetrated towards any Power, it would be more compatible with the dignity of the nation, and, in my judgment, less dishonorable, to inflict it upon a powerful instead of a weak foreign nation. But we are perfectly sure that we should be free from injury in a state of war with Mexico? Have we any security that countless numbers of foreign vessels, under the authority and flag of Mexico, would prey upon our defenceless commerce in the Mexican gulf, on the Pacific ocean, and on every other sea and ocean? What commerce, on the other hand, does Mexico offer, as an indemnity for our losses, to the gallantry and enterprise of our countrymen? This view of the subject supposes that the war would be confined to the United States and Mexico as the only belligerents. But have we any certain guaranty that Mexico would obtain no allies among the great European Powers? Suppose any such Powers, jealous of our increasing greatness, and disposed to check our growth and cripple us, were to take part in behalf of Mexico in the war, how would the different belligerents present themselves to Christendom and the enlightened world? We have been seriously charged with an inordinate spirit of territorial aggrandizement; and, without admitting the justice of the charge, it must be owned that we have made vast acquisitions of territory within the last forty years.

Suppose G. Britain and France, or one of them, were to take part with Mexico, and by a manifesto, were to proclaim that their objects were to assist a weak and helpless ally to check the spirit of encroachment and ambition of an already overgrown Republic, seeking still further acquisitions of territory, to maintain the independence of Texas, disconnected with the United States, and to prevent the further propagation of slavery from the United States, what would be the effect of such allegations upon the judgment of an impartial and enlightened world?

Assuming that the annexation of Texas is war with Mexico, is it competent to the treaty-making power to plunge this country into war, not only without the concurrence of, but without deigning to consult Congress, to which, by the Constitution, belongs exclusively the power of declaring war?

I have hitherto considered the question upon the supposition that the annexation is attempted without the assent of Mexico. If she yields her consent, that would materially affect the foreign aspect of the question, if it did not remove all foreign difficulties. On the assumption of that assent, the question would be confined to the domestic considerations upon which annexation is proposed. I do not think that Texas ought to be received into the Union, as an integral part of it, in decided opposition to the wishes of a considerable and respectable portion of the Confederacy.

I think it far more wise and important to compose and harmonize the present Confederacy, as it now exists, than to introduce any European or foreign attack upon either. Each would afford a secure refuge to the persecuted and oppressed driven into exile by either of the others. They would emulate each other in improvements, in free institutions, and in the science of self-government. Whilst Texas has adopted our Constitution as the model of hers, she has, in some important particulars, greatly improved upon it.

Although I have felt compelled, from the nature of the inquiries addressed to me to extend this communication to a much greater length than I could have wished, I could not do justice to the subject, and fairly and fully expose my own opinions in a shorter space. In conclusion, they may be stated in a few words to be, that I consider the annexation of Texas at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in war with Mexico, probably with other foreign Powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion.

In am, respectfully, your obedient servant,

MR. CLAY.

gentleman Jackson extended only as far west as the centre of the Desert or Grand Prairie, which lies east of the river Nueces; and that, for the former, the payment of one million of dollars was authorized, whilst, by the administration of President Jackson, the American minister was permitted to go as high as four, and, if indispensable, five millions. Both authorized agreements for smaller portions of territory, and the payments were modified accordingly. In respect to the proposed stipulation for the ultimate incorporation of the inhabitants into the Union, both instructions were identical.

In August, 1837, a proposition was received at the Department of State, from the Texan minister at Washington, proposing a negotiation for the annexation of Texas to the United States.—This was the first time the question of annexation of a foreign independent State had ever been presented to this government. In deciding upon the disposition that ought to be made of it, I did not find it necessary to consider the question of constitutional power, nor the manner in which the object should be accomplished, if deemed expedient and proper. Both these points were therefore, in terms, passed over in the reply of the Secretary of State to the Texan minister, as subjects the consideration of which had not been entered upon by the Executive.

The first of these—viz: constitutional power—is now presented by your inquiries; not, however, in precisely the same form. Then the application was for the immediate admission of Texas into the Union as an independent State; your question looks only to its annexation as part of the territory of the United States. There is no express power given to any department of the government to purchase territory except for the object specified in the constitution, viz: for arsenals, &c; and the power has, on several very important occasions, been regarded as embraced in the treaty-making power; and territories have been so annexed with a view and under engagements for their ultimate admission into the Union as States. If there be nothing in the situation or condition of Texas, which would render its admission heretofore into the Union as a new State improper, I cannot perceive any objections, on constitutional grounds, to its annexation as a territory.

In speaking of the right to admit new States, I must, of course, be understood as referring to the power of Congress. The Executive and Senate may, as I have already observed, by the exercise of the treaty-making power, acquire territory; but new States can only be admitted by Congress; and the sole authority over the subject, which is given to it by the constitution, is contained in the following provision, viz: "new States may be admitted by the Congress into this Union." The only restrictions imposed upon this general power are, 1st: That no new States shall be formed or erected within the jurisdiction of any other State; nor, 2ndly, "Any State formed by the junction of two or more States, or more States, or parts of States, without the consent of the legislatures concerned, as well as of Congress"—restrictions which have no bearing upon the present question. The matter, therefore, stands as it would do if the constitution said "new States may be admitted by the Congress into this Union," without addition or restriction. That these words, taken by themselves are broad enough to authorize the admission of the Territory of Texas, cannot, I think be well doubted, nor do I perceive upon what principle we can set up limitations to a power so unqualifiedly recognized by the constitution in the plain simple words I have quoted, and with which no other provision of that instrument conflicts in the slightest degree. But if with no other guides than our discretion, we assume limitations upon a power so general, we are at least bound to give to them some intelligible and definite character. The most natural, and indeed the only one of that nature which has been suggested and which was presented by Mr. Jefferson whilst he entertained doubts in respect to the constitutional power to admit Louisiana, is that the new States to be admitted must be formed out of territory, not foreign, but which constituted a part of the United States, at the declaration of independence or the adoption of the constitution. So far from there being any thing in it a language of the constitution, or to be found in the extraneous and contemporaneous circumstances which preceded and attended its adoption, to show that such was the intentions of its framers, they are, in my judgment, all strongly the other way.

Having charge of the Department of State in 1829, I prepared, by direction of the President, instructions to our minister at Mexico, by which he was directed to open, without delay, a negotiation with the Mexican government for the purchase of the greater part of the then province of Texas, and by which he was likewise authorized to insert in the treaty a provision similar to that in the Louisiana and Florida treaties, for the incorporation of the inhabitants of Texas into the Union, as soon as it could be done consistently with the principles of the federal constitution. The reasons in favor of this measure I stated at large in that document.

In taking this step the administration of President Jackson renewed (but, as was supposed under more favorable circumstances) an attempt to accomplish the same object which had been made by its immediate predecessor. Instructions similar in their general object, had, in the second year of the latter administration, been sent from the Department of State to the same American minister at Mexico. I am not aware that there were any material differences between that, other than that those of 1829 proposed an acquisition of territory as far west as the Rio del Norte—being, I believe, the extreme western boundary of the country then under the government of the United States, at the time of the formation of the new constitution. This is however, only a link in the chain of evidence to make probable what subsequent events make certain, that the framers of the constitution had their eyes open to this very question, when this section was finally settled. That part of the constitution, as it appears by the journal of the proceedings of the convention was presented in a variety of forms before it assumed the shape in which it was finally adopted.

In the resolutions offered by Mr. Edmund Randolph as a basis for the new constitution, and which contained the first proposition of that character which were submitted to it, the power in question was described as follows, viz: that provision ought to be made for the admission of States lawfully arising within the limits of the United States, whether arising from a voluntary junction of government or otherwise, with the consent of a number voices in the legislature less than the whole." In Charles Pinckney's draft, it was proposed that "the legislature shall have power to admit new States into the Union on the same terms with the original States, provided two-thirds of the members present in both Houses agree"—leaving out the clause in respect to the character of the territory. Mr. Randolph's proposition, containing the restriction confining the power to States lawfully arising within the limits of the United States, was at one time adopted in Committee of the whole, and, in that State, referred with others to the committee of detail. In a draft of a constitution, reported by that committee, the article upon this subject contained the following proposition: 1st. That new States, lawfully constituted or established within the limits of the United States, might be admitted by the legislature in this government 2d. That to such admission, the consent of two-thirds of the members present in each House should be necessary. 3d. That if a new State should arise within the limits of any of the present States, the consent of the legislature of such States should also be necessary to its admission. 4th. That if the admission was consented to the new States should be admitted on the same terms with the original States; and 5th. That the legislature might make conditions with the new States concerning the public debts then subsisting. The 2d, 4th, and 5th clauses were stricken out by the votes of the convention; and after that had been done, the following was adopted as a substitute for the whole, viz: "New States may be admitted by the legislature into the Union; but no new State shall be erected within the limits of any of the present States without the consent of the legislature of such State, as well as of the general legislature"—leaving out that part of the first clause which related to the domestic character of the territory; and this substitute was subsequently revised and amended, so as to make it conform in its phraseology to the section as it now stands in the constitution. These proceedings show that the proposition to restrict the power to admit new States to the territory within the original limits of the United States, was distinctly before the convention, once adopted by it, and finally rejected in favor of a clause making the power in this respect general. Whatever differences of opinion may exist as to the propriety of referring to extraneous matter to influence the construction of the constitution where its language is explicit, there can certainly be no objections to a resort to such aids to test the correctness of inferences, having no other basis than supposed improbabilities. I have not, therefore, been able to bring my mind to any other satisfactory conclusion than that it was the intention of the convention to give the power of admitting new States to Congress, with no other limitations than those which are specified in that instrument. The language employed, the specifications of certain restrictions the adoption and subsequent exclusion of that which is now referred to, together with the subsequent and continued action of the new government, all seem to combine to render this interpretation of the constitution the true one. Propositions for annexation can certainly be imagined, of a character so unwise and imprudent as to strike the minds of all with repugnance. But if we look over the conceded powers of Congress, we shall also find many others, the abuse of which might involve to an equally great extent, the well being of the republic, and against which abuse the constitution has provided no other safeguards than the responsibilities to their constituents and to the laws of the land, and those whose sanction is necessary to the validity of an act of Congress. Nor is it very unreasonable to suppose that those who based their government upon the great principle that it is the right of the people to alter or abolish it, and to institute new ones, in such forms as they may think most likely to effect their safety and happiness, should feel themselves secure in trusting to their representatives in the House, in the Senate, and in the executive chair, the right to admit new members into the confederacy, with no other restrictions than those which they have thought proper to specify.

It was under this view of the constitution that the purchase of Louisiana in 1803, only fifteen years after the adoption of the constitution, promising the incorporation of the ceded territory into the Union, and the admission, as soon as possible, of the inhabitants to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, was ratified, cognized, and finally executed by every branch of the federal government whose co-operation is required by the constitution. It is true that Mr. Jefferson, in the interval between the negotiation and submission of the treaty to the Senate, threw out the opinion that the constitution had made no provision for one holding foreign territory nor for incorporating foreign States into the Union. The fact of his approving the treaty, and the laws necessary to its execution, must, however, be regarded as conclusive proof that, upon looking further into the matter, his opinion was changed: The attempt to convince him of his error was made by his friend, Governor Nicholas. The correspondence was, very soon after it took place, communicated to Congress, and although the public mind was at the time in a state of the highest excitement, and the administration daily assailed through every avenue by which it was deemed approachable, I am yet to see the first sentence of complaint upon that point, in any quarter of the Union. Even a resolution offered in the Senate, declaring annexation, "whenever it could be effected consistently with the public faith and treaty stipulations of the United States, desirable," was ordered to be laid upon the table; and a similar disposition was made in the House of the papers upon the subject, which had been referred to the Committee on Foreign Relations, and that committee discharged from the further consideration of the matter, upon its own application. Nor were the friendly relations then existing between that republic and the United States—to its honor be it said—in any perceptible degree impaired by this decision.

treaty for the cession of East and West Florida, containing the usual stipulation for ultimate incorporation into the Union, was ratified; and, upon the call of the names of the Senators present, it appeared that every one voted for the ratification. Upon the question of constitutional power, so far as that case went, the Senate of the United States had, therefore, become unanimous.

Certainly no remarks are necessary to show that there can be no possible difference produced in the constitutional question by the relative positions of the territory comprising Louisiana, the Floridas, and Texas, in respect to the old United States.

I have gone thus fully and minutely into this matter, as well from a deep sense of a vast importance of the question, as from a sincere desire to satisfy those of my friends who may differ from me on this point, and whose opinions I hold in the highest respect, that I have not yielded my assent hastily or unadvisedly to the views I have here taken of the subject.

Having thus given you my views upon the constitutional question, I will, with the same frankness answer the remaining portion of your inquiries, viz; the expediency of immediately annexing Texas to the United States, or so soon as her consent to such annexation may be obtained, to such admission, the consent of two-thirds of the members present in each House should be necessary. 3d. That if a new State should arise within the limits of any of the present States, the consent of the legislature of such States should also be necessary to its admission. 4th. That if the admission was consented to the new States should be admitted on the same terms with the original States; and 5th. That the legislature might make conditions with the new States concerning the public debts then subsisting. The 2d, 4th, and 5th clauses were stricken out by the votes of the convention; and after that had been done, the following was adopted as a substitute for the whole, viz: "New States may be admitted by the legislature into the Union; but no new State shall be erected within the limits of any of the present States without the consent of the legislature of such State, as well as of the general legislature"—leaving out that part of the first clause which related to the domestic character of the territory; and this substitute was subsequently revised and amended, so as to make it conform in its phraseology to the section as it now stands in the constitution. These proceedings show that the proposition to restrict the power to admit new States to the territory within the original limits of the United States, was distinctly before the convention, once adopted by it, and finally rejected in favor of a clause making the power in this respect general. Whatever differences of opinion may exist as to the propriety of referring to extraneous matter to influence the construction of the constitution where its language is explicit, there can certainly be no objections to a resort to such aids to test the correctness of inferences, having no other basis than supposed improbabilities. I have not, therefore, been able to bring my mind to any other satisfactory conclusion than that it was the intention of the convention to give the power of admitting new States to Congress, with no other limitations than those which are specified in that instrument. The language employed, the specifications of certain restrictions the adoption and subsequent exclusion of that which is now referred to, together with the subsequent and continued action of the new government, all seem to combine to render this interpretation of the constitution the true one. Propositions for annexation can certainly be imagined, of a character so unwise and imprudent as to strike the minds of all with repugnance. But if we look over the conceded powers of Congress, we shall also find many others, the abuse of which might involve to an equally great extent, the well being of the republic, and against which abuse the constitution has provided no other safeguards than the responsibilities to their constituents and to the laws of the land, and those whose sanction is necessary to the validity of an act of Congress. Nor is it very unreasonable to suppose that those who based their government upon the great principle that it is the right of the people to alter or abolish it, and to institute new ones, in such forms as they may think most likely to effect their safety and happiness, should feel themselves secure in trusting to their representatives in the House, in the Senate, and in the executive chair, the right to admit new members into the confederacy, with no other restrictions than those which they have thought proper to specify.

The intimation in General Hunt's letter that Texas might be induced to extend commercial advantages to other nations to the prejudice of the United States was thus noticed: "It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal force in compelling her to preserve, as an independent power the most liberal commercial relations with the United States. Such a disposition will be cheerfully met, in a corresponding spirit, by this government. If the answer which the undersigned has directed to give to the proposition of General Hunt should unfortunately work such a change in sentiments of that government as to induce an attempt to extend commercial relations elsewhere upon terms prejudicial to the United States, this government will be consolated by the recrudescence of its intentions, and a certainty that although the hazard of transient losses may be incurred by a rigid adherence to just principles, the lasting prosperity can be secured when they are disregarded."

That those views were not altogether satisfactory to General Hunt, nor probably to his government, has been seen. But I think I may safely say that seldom, if ever, has the decision, by this government, of a question of such magnitude, been more decidedly or more unanimously approved by the people of the United States. The correspondence was, very soon after it took place, communicated to Congress, and although the public mind was at the time in a state of the highest excitement, and the administration daily assailed through every avenue by which it was deemed approachable, I am yet to see the first sentence of complaint upon that point, in any quarter of the Union. Even a resolution offered in the Senate, declaring annexation, "whenever it could be effected consistently with the public faith and treaty stipulations of the United States, desirable," was ordered to be laid upon the table; and a similar disposition was made in the House of the papers upon the subject, which had been referred to the Committee on Foreign Relations, and that committee discharged from the further consideration of the matter, upon its own application. Nor were the friendly relations then existing between that republic and the United States—to its honor be it said—in any perceptible degree impaired by this decision.

Standing in this position before the country, it becomes my duty to consider whether either the nature of the question or the circumstances of the case, have so far changed as to justify me in now advising a policy from which I then, in the most solemn form, dissented.

In giving to you, and through you to the public, the result of a very careful and dispassionate examination of this grave question, I should neither do justice to yourself, to the patriotic State which you, in conjunction with others, are to represent in the convention, to the people of the United States, nor to my own position, if I failed to accompany it with a brief exposition of the grounds upon which I have proceeded. It is in that way only that justice can be done to my intention; and that is all I desire. The annexation of the territory, and the consequent assumption by us of a responsibility to protect and defend its inhabitants, would in respect to the consideration to which I am about to refer, stand upon the same footing with that of its admission as a State. The recognition of Texas as an independent State, was a measure which received, in various and appropriate forms the sanction of every department of the government, whose co-operation was necessary to its validity, and had my hearty concurrence. From this act of our government just and proper in all respects as it was, an inference has however, been drawn, and brought to bear upon the present question, not only very far beyond its real bearing but by which its true character is entirely reversed. Many persons who enter upon the consideration of the subject with the purest intentions, and are incapable of knowingly giving a false interpretation to anything connected with it, take it for granted that the United States, in recognizing the independence of Texas, declared to the world, not only that she was independent in fact, but also that she was such of right.

Acting upon this erroneous construction, they very naturally conclude, that, having gone thus far, having examined into, and passed not only upon the existence of her independence, also upon her right of its enjoyment, it is now (and more especially after the lapse of several years) too late to hesitate upon the question of annexation. Coming to the decision which became my duty to make, I was aided, in addition to the other members of my cabinet, by the counsel and constitutional advice of two distinguished citizens of your own section of the Union, of the first order of intellect, great experience in public affairs, and whose devotion to their own, as well as every other section of the Union, was above all question. The result of our united opinions was announced to the Texan minister, (Gen. Hunt,) in communication from the late Mr. Forsyth, the substance of which I cannot better express than by incorporating one or two brief extracts from it in this letter. Upon the general subject, my views as well as those of my cabinet were thus stated.

"So long as Texas shall remain at war, while the United States are at peace with her adversary the proposition of the Texan minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part so long as it can be reasonably hoped that Mexico will perform her duties, and respect our right under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico—a disposition wholly at variance with the spirit of the treaty, with the uniform policy and obvious welfare of the United States.

"The inducements mentioned by General Hunt for the United States to annex Texas to their territory, are duly appreciated; but, powerful and weighty as they are, they are light when opposed in the scale of reason to treaty obligations, and respect for that integrity of character by which the United States have sought to distinguish themselves since the establishment of their right to claim a place in the great family of nations."

The intimation in General Hunt's letter that Texas might be induced to extend commercial advantages to other nations to the prejudice of the United States was thus noticed: "It is presumed, however, that the motives by which Texas has been governed in making this overture, will have equal force in compelling her to preserve, as an independent power the most liberal commercial relations with the United States. Such a disposition will be cheerfully met, in a corresponding spirit, by this government, suggesting the propriety of that recognition, it was expressly declared, that in proposing this measure, it was "not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties; but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them." The Committee on Foreign Affairs, in their elaborate report upon the subject say: "our recognition must necessarily be co-existent only with the fact on which it is founded, and cannot survive it. While the nations of South America are actually independent it is simply to speak the truth to acknowledge them to be so. Should Spain, contrary to her avowed principle and acknowledged interest, renew the war for the conquest of South America, we shall, indeed, regret it; but we shall observe, as we have done between the independent Parties, an honest and impartial neutrality."

The Secretary of State, in defence of recognition, said to the Spanish minister: "This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may be disposed or enabled to use, with the view of reuniting those provinces to the rest of her dominions." That these avowals were in strict conformity to the true principles of the law of nations, there can be no doubt. They were, at all events, those which this government has solemnly announced as its rule of action in regard to contests between rival parties for the supreme power in foreign States. That the admission of Texas as a member of this confederacy, whilst the contest for the maintenance of the independence she had acquired was still pending, and a consequent assumption of the responsibility of protecting her against invasion, would have been a plain departure from the laws and usages of nations, and a violation of the principles to which we had avow-

ed our adherence in the face of the world, was too clear to be doubted. Thus believing, I had, on the occasion to which I have referred, in the faithful discharge of the trust which the people had reposed in me, but one course to pursue, and that was promptly but respectfully adopted.

I return now to the question, Has the condition of the contest between Texas and Mexico for the sovereignty of the former, so far changed as to render these principles now inapplicable? What is the attitude which these two states at this moment occupy towards each other? Are they at war, or are they not? We cannot evade this question if we would. To enumerate all the circumstances bearing upon it, in a communication like this, would be impracticable; nor is it necessary. In respect to the parties themselves, there would seem to be misunderstanding upon the subject. Mexico has been incessant in her avowals, as well to our government as to others, of the continuance of the war, and of her determination to prosecute it. How does Texas regard her position in respect to the war with Mexico? Three years subsequent to our recognition of her independence, we find her entering into a stipulation with a foreign power to accept of her mediation to bring about a cessation of hostilities between her and Mexico, engaging to assume a million sterling of the debt due from Mexico to the subjects of that power, if she, through her influence, obtained from Mexico an unlimited truce in respect to the war then raging between her and Texas within one month, and a treaty of peace in six. As late as last June, we see a proclamation of the President of Texas, declaring a suspension of hostilities between the two powers during the pendency of negotiations to be entered upon between them, issued on the supposition that a similar proclamation would be issued by Mexico; and actual hostilities are now only suspended by an armistice to be continued for a specified and short period, for the sake of negotiation.

Acting upon this erroneous construction, they very naturally conclude, that, having gone thus far, having examined into, and passed not only upon the existence of her independence, also upon her right of its enjoyment, it is now (and more especially after the lapse of several years) too late to hesitate upon the question of annexation. Coming to the decision which became my duty to make, I was aided, in addition to the other members of my cabinet, by the counsel and constitutional advice of two distinguished citizens of your own section of the Union, of the first order of intellect, great experience in public affairs, and whose devotion to their own, as well as every other section of the Union, was above all question. The result of our united opinions was announced to the Texan minister, (Gen. Hunt,) in communication from the late Mr. Forsyth, the substance of which I cannot better express than by incorporating one or two brief extracts from it in this letter. Upon the general subject, my views as well as those of my cabinet were thus stated.

"So long as Texas shall remain at war, while the United States are at peace with her adversary the proposition of the Texan minister plenipotentiary necessarily involves the question of war with that adversary. The United States are bound to Mexico by a treaty of amity and commerce, which will be scrupulously observed on their part so long as it can be reasonably hoped that Mexico will perform her duties, and respect our right under it. The United States might justly be suspected of a disregard of the friendly purposes of the compact, if the overture of General Hunt were to be even reserved for future consideration, as this would imply a disposition on our part to espouse the quarrel of Texas with Mexico—a disposition wholly at variance with the spirit of the treaty, with the uniform policy and obvious welfare of the United States.

"The inducements mentioned by General Hunt for the United States to annex Texas to their territory, are duly appreciated; but, powerful and weighty as they are, they are light when opposed in the scale of reason to treaty obligations, and respect for that integrity of character by which the United States have sought to distinguish themselves since the establishment of their right to claim a place in the great family of nations."

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ed our adherence in the face of the world, was then denounces the annexation as a great nation at crime, and forthwith proclaims instant war as the penalty of our persisting in such an attempt; and all this in language bearing certainly, (though subsequently disavowed,) every appearance of menace.

[CONCLUDED NEXT WEEK.]

OXFORD DEMOCRAT.

PARIS, MAY 14, 1844.

"The great popular party is already rallied almost en masse around the banner which is leading the party to its final triumph. The few that still lag will soon be rallied under its ample folds. On that banner is inscribed: FREE TRADE, LOW DUTIES, NO DEBT, SEPARATION FROM THE UNITED STATES, REPARATIONS, AND FRUITFUL ALIANCE TO THE CONFEDERATION. Victory in such a cause will be great and glorious, and if its principles be faithfully and firmly adhered to, after it is achieved, much will it redound to the honor of those whom it will have been won; and long will it perpetuate the liberty and prosperity of the country."—Calhoun.

NATIONAL CONVENTION.

The Democratic National Convention is soon to meet at Baltimore for the purpose of designating those individuals whose wisdom and services best fit them for the two highest offices in this Republic. Duties, therefore, devolve upon the Delegates to this Convention neither few in number, or small in magnitude.

It is plainly the duty of every Delegate to vote for a man who has by all his acts been a firm believer in the great Democratic Creed:—One who is acquainted with the wants of the people— one who is anxious to promote and defend the interests of the masses, and secure the rights and privileges of all classes. One who is thoroughly acquainted with our Constitution, and is willing, like Jefferson, to abide by that construction which is in harmony with its spirit and intention,—in fine, one whose ability and talents best qualify him for the independent head of an Independent Nation.

Every Delegate should feel himself bound to vote for that man who has been a firm believer in the great Democratic Creed:—One who is acquainted with the wants of the people— one who is anxious to promote and defend the interests of the masses, and secure the rights and privileges of all classes. One who is thoroughly acquainted with our Constitution, and is willing, like Jefferson, to abide by that construction which is in harmony with its spirit and intention,—in fine, one whose ability and talents best qualify him for the independent head of an Independent Nation.

The man selected should feel himself bound to vote for that man who has been a firm believer in the great Democratic Creed:—One who is acquainted with the wants of the people— one who is anxious to promote and defend the interests of the masses, and secure the rights and privileges of all classes. One who is thoroughly acquainted with our Constitution, and is willing, like Jefferson, to abide by that construction which is in harmony with its spirit and intention,—in fine, one whose ability and talents best qualify him for the independent head of an Independent Nation.

The man selected for the Presidency should be independent of cliques, favorites, and pledges; for, he who he may, if he can be successfully charged with favoritism, trickery, and other schemes of the Demagogue, we need not look forward with any degree of hope to his elevation. One candidate selected for this high office has already ventured upon this scheming process, and is at this time roaming up and down the country to influence his own election, against the customs and beneath the dignity of all Presidential Candidates.

The Candidate selected by the Democrats should be a man of great moral strength and power, whose character for truth, consistency, integrity, honor, firmness and sincerity, has never been questioned. Worth makes the man, the world over; and great moral worth adds to the influence and success of a candidate for office. A vacillating, hesitating, visionary and expediency-loving man cannot secure confidence in his opinions, enthusiasm in his support, or respect for his character. Frankness and directness are likewise considered the highest virtues of the citizen. They ought to be esteemed not less highly, as attributes of the Statesman. Let, then, a man be selected whose moral and religious virtues are of the most elevated kind.

A candidate should be selected, at this Convention, who is most likely to succeed. If this country has any hopes of future prosperity and advancement, it must look, to a very great extent, to the policy and principles and principles of the old Republican party. The present Democratic party is the only true representative of those principles. If that party should be defeated in the coming contest, the country will receive a blow from which years of future Republican policy will not recover, or even change it. Ability, then, should be, and must be one great element in the selection of a candidate for the Presidency.

Finally, the Delegates to the Baltimore Convention should establish, in our opinion, the one term principle. It has long been advocated by many distinguished Democrats, such as Jackson, Calhoun, and others. A vast number in the Democratic party still adhere to and advocate this doctrine. There is now a good opportunity of starting on this principle. Everything is favorable to such a movement. This step once taken, will have a tendency to unite the Democrats of all parties. It will forever silence that mean, cringing, office-seeking, office-making, patronage-loving spirit, at present so fearfully rife throughout the length and breadth of the land.

In conclusion, we would say, so far as the nomination and result of this Convention is concerned, not our will, but that of the great Republican Family be done. We feel ready and willing to support the candidate selected, if he be any of the distinguished men named by our citizens in different portions of the Union for that office. We do not wish to disguise the feeling, however, that we could fight with greater courage,

great nation
that war as
an attempt;
certainly, (sl-
ery appears

almost en masse
is final triumph,
its ample folds;
LOW DUTIES;
ECONOMY; RE-
TAIN THE CON-
great and glori-
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silence.

IN

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best fit them
public. Duties,
this Conven-
magnitude.

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is no time for
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the lookout—to
voted for Presi-
the highest de-
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know his duty

should be in-
as it seeking concealment, while wretched look-
ing beings driven from their abodes, houseless
and homeless, are stealing off with beds, pillows,
chairs and tables upon their shoulders, looking
for some distant place of deposit. Hark!—
a shot!—a scream!—a rush of soldiers!—and
another victim is borne away for surgical assis-
tance. A solitary one horse cart, as we leave,
girls, a boy, and an infant all crying. It con-
tains some furniture, and by its side walks a
man, who turns back to cast one lingering gaze
on the burning pile at hand? and with a groan
of intense agony, exclaims, 'The toll of twenty
years all gone in one moment! My God! I have
I deserved this!' The cart drove on, and we
heard no more. We walked homeward think-
ing, can it be possible that this is a land of
Freedom and laws, a land of Christianity?

TEN O'CLOCK P. M.—We have just learned
that an Irish weaver named Joseph Rice, a
dweller in some of the houses assaulted in Cad-
wallader street, but who is said to have taken
no part in the contest, as we shot through the
head while looking over the fence to see how
the riot progressed. We looked at the corpse
as it lay mangy on the floor of its late habita-
tion, with none save a weeping widow and two
fatherless children, sitting in agony beside it.
It was a shocking picture.

A man named John S. Fagan, an American,
was shot through the shoulder, the ball coming
out of his back. A young man, 22 years of
age, named John Shreeves, a painter, living
From above Green street, was shot through
the head, and instantly killed. He was an
American, and had only been married three
months. A man named Deal was shot in the
arm. About 7 o'clock P. M. a young man re-
turning from his work and passing the scene of
action, was badly wounded. A great many
others were shot and several killed, whose
names we could not ascertain.

The military arrived on the ground about 8
o'clock, P. M. They consisted of the companies
of the first brigade, under Gen. Cadwallader.
The Sheriff was also on the ground with a
small civil posse. As the military approached
the market house, they were fired upon from a
house on Washington street, but nobody was
hurt. Those who fired the gun—some seven
or eight Irishmen—precipitately fled, and were
not captured. The presence of the military
had occasion to say, we have great respect for
him. Even under the greatest excitement of tem-
per, he never forgets the courtesy which becomes him;
or, if he does, we have never seen it. IN THE
WALKS OF PRIVATE LIFE WE KNOW OF
NO EXCEPTION TAKEN TO HIS PRIVATE
CHARACTER."

THE ISSUE IN 1814—BANK OR NO BANK—
THE SAME AS IN 1822.

"I contend that it is necessary to charter a National

Bank, to regulate and control the monetary system, and

keep it from explosion and mischief—that a National

Bank is necessary to secure a national currency, which

is as necessary to a nation as national laws."—Henry

Clay's speech at Charleston.

They merit all praise.

ELEVEN O'CLOCK.—A few guns are being

discharged at intervals in Master street. Mil-
itary in motion, but no rioters discovered.

It is said that from 20 to 30 houses altogether have

been consumed, located on Cadwallader, Mas-
ter, and Washington streets—some large hand-
some dwellings, but generally poor buildings.

Nothing is left of the Market house but the

brick pillars, with which the standing chimneys

of the dwellings look like blackened monuments

of anarchy. It is thought that many dead bod-
ies of the Irish were consumed in the burning

houses.

DREADFUL RIOTS AT KENSINGTON, PENN. MANY PERSONS WOUNDED, AND SEVERAL KILLED.

On Monday, a week ago yesterday, a riot occurred at Kensington, being in the suburbs of Philadelphia. The Native American party had met to listen to an Address from Mr. Kramer. He had not proceeded far when a gun was fired, and a general rush made to the spot whence came the report. Valley after valley succeeded, and men came running from all quarters armed with guns, bludgeons, and stones. The assailants were driven into various houses in the vicinity, and the houses themselves injured, and the furniture broken into fragments.

The riot lasted about one hour, during which time

hundreds of reports from fire arms were heard. At

least fifty persons fell wounded. Several persons were

reported to have been killed. The Native Americans

and Irish Catholics have been the parties engaged in

these riots.

The next day the riots were renewed. A Phila-
delphia paper gives the following account of them—

THREE O'CLOCK P. M.—We have just left the

dreadful yet picturesque scene. The mar-
ket houses are all in flames, and quite a row of

brick and frame dwellings whose frightened occu-
pants have fled in all directions for safety and

for life. The dark red clouds are lighting up

with a horrid glare the blue and quiet sky.

Rolls of bright smoke taking fantastic shapes

thicken the air while here and there through

the dense crowd the flame tongues of living

light may be seen licking with fire some new

building preparatory to its destruction. In

front may be seen congregations of excited

men, shooting, talking, arguing, blustering, and

tossing their arms in the air with vehemence agi-
tation. Beyond on that open space the plumed

heads and glittering swords of the cavalry are

waving and glancing in the lurid light, while

the heavy tread of men, and the ringing clang

of muskets betoken the near presence of the

infantry. The adjacent streets are deserted.

The houses are close and abandoned. Since

the approach of the military all is still, save

that here and there the shreak of a child, or

the sob of a woman, or the deep oath of a man

breaks the solemn stillness.

Dim figures more suspiciously in the shade

as it seeking concealment, while wretched look-
ing beings driven from their abodes, houseless

and homeless, are stealing off with beds, pillows,

chairs and tables upon their shoulders, looking

for some distant place of deposit. Hark!—
a shot!—a scream!—a rush of soldiers!—and

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Mr. Bayly, Dem., is elected in Wise's Congres-
sional District.

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CHARACTER OF MR. VAN BUREN—
WHIG TESTIMONY.

The National Intelligencer, the leading federal pa-
per published at Washington, in an editorial article

published August 26th, 1828, thus speaks of Mr. Van

Buren. It is almost unnecessary to say that the In-
telligencer at that time, as now, was the open un-
compromising opponent of Mr. Van Buren, and was likely

to have said nothing more in favor of that distin-
guished Statesman than what truth forced him to admit.

The extract is from an article advocating the re-elec-
tion of Mr. Adams to the Presidency:—

"Once more we are obliged, and for this time, re-
luctantly, to introduce by name to our readers, the Hon. MARTIN VAN BUREN, the distinguished Senator from the State of New York; the 'master spirit,' who can, when he sets himself about it, accom-
plish more than any other man can dream of. The fascinating address of this distinguished citizen, ad-
ded to his powers of persuasion, his highly respect-
able talents, and imperturbable temper, make him not
only the most adroit, but also the most powerful politi-
cian of the present day. As a gentleman, we have
heretofore had occasion to say, we have great respect for
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ies of the Irish were consumed in the burning

houses.

ELECTION OF PRESIDENT AND VICE PRES- IDENT TO BE HELD ON THE SAME DAY IN ALL THE STATES.—DR. DUNCAN'S BILL.

"A bill is now before the Federal House of Repre-
sentatives, providing for the election of electors of
President and Vice President on the same day in all
the States of the Union. This bill was introduced by
Mr. Duncan, who has made several unsuccessful at-
tempts to bring it under consideration. But however
desirable is this bill, however essential to the purity
of elections, however imperiously required by the pro-
tection of political morals, we have no hope of
its passage during the present session. A Presi-
dential election is now pending, and many of the poli-
ticians, deeply interested in the event, have very few
scruples about the means of success; and with full
knowledge of existing abuses, and strong hope of prof-
it from them, they cannot be very solicitous about any
corrective till the election has passed. And as a new
campaign will be planned, and candidates will enter
the field for a new contest, so soon as the election now
pending is decided, we have no great hope of this bill
from the next Congress, unless the people speak plain-
ly to their representatives, and insist on its passage.

The last one is as follows:—

"Resolved, that the Democratic Central
Committee be requested forthwith to issue an
Address to the Democratic Party of Virginia,
urging the serious and prompt expression of
their opinion on the subject of a re-annexation
of Texas to the Union—the propriety of reliv-
ing their delegates to the Baltimore Convention
from the instructions which now bind them,
leaving them, if they deem it expedient to do so,
to cast the vote of Virginia in favor of annexation,
and of other action which they deem proper and
efficient, in uniting the Democracy of the State in the great and vital object of de-
feating the election of H. Clay."

The Virginia delegates are now instructed to
vote for Mr. Van Buren, of whose nomination
Mr. Ritchie has been, until the present time, the powerful and uncompromising ad-
vocate.

Mr. Ritchie's paper of the same day (May 3,) contains a long article, which is the sub-
stance, and appeal to the democracy to drop
Mr. Van Buren, lay aside all personal feelings,
and go for some candidate more likely to de-
feat the disastrous pretensions of Henry Clay.

The Age.

AN EPILOGUE OF LA FONTAINE.—It was during
the reign of Louis XIV., that a curious meeting
took place between La Fontaine, the fabulist,
whose meekness and apathy had acquired him
the name of "the Good," and an officer. Al-
though generally blind to the irregularities of his
wife, he once took it into his head to become
jealous of a captain of dragoons, of the name of
Poignant. La Fontaine had not himself observ-
ed the intimacy with his wife, but some kind
friends had drawn his attention to its impropriety,
telling him it was incumbent upon him to de-
mand satisfaction. La Fontaine, reluctantly
persuaded, contrary to his usual habits, got up
early one morning, took his sword, and went out
to meet his antagonist. When the parties were
in presence the worthy poet said, "My dear sir, I
must fight you, since I am assured that it is abso-
lutely necessary." He then proceeded to ac-
quaint him with the reasons that induced him to
call him out, and draw his pacific sword. The
dragoon, thus obliged to defend himself, wipped
the weapon out of the inexperienced hand of the
fabulist, and having disarmed him he proceeded
quietly to point out to him the absurdity of the
reports circulated in regard to his wife and the
folly of having thus exposed his valuable life; ad-
ding that since his visits had occasioned scandal,
he would from that hour cease to call at his
house. La Fontaine was so affected by this sincere explanation, that he had not only in-
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